

**Judge Hellerstein**

AO 440 (Rev 10/93) Summons in a Civil Action - SDNY WEB 4/99

**United States District Court**SouthernDISTRICT OFNew York

KEVIN DELANO (AND WIFE, ROSEANN DELANO)

**SUMMONS IN A CIVIL CASE**

V.

CASE NUMBER: (AKH) 08-CV-6767

A RUSSO WRECKING, ET. AL.,

SEE ATTACHED RIDER,

TO: (Name and address of defendant)

SEE ATTACHED RIDER

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
 115 Broadway, 12th Floor  
 New York, New York 10006  
 212-267-3700

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK



(BY) DEPUTY CLERK

DATE

JUL 29 2008



AO 440 (Rev 10/93) Summons in a Civil Action - SDNY WEB 4/99

**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me <sup>(1)</sup> NAME OF SERVER (PRINT)	DATE TITLE
--	---------------

*Check one box below to indicate appropriate method of service*

- Served personally upon the defendant. Place where served: \_\_\_\_\_  
 \_\_\_\_\_
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
 Name of person with whom the summons and complaint were left: \_\_\_\_\_  
 \_\_\_\_\_
- Returned unexecuted: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Other (specify): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
--------	----------	-------

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_

Date \_\_\_\_\_

Signature of Server \_\_\_\_\_

Address of Server \_\_\_\_\_

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure



1 2 6 1

9 3 6 4

**RIDER**

KEVIN DELANO AND ROSEANN DELANO,

PLAINTIFFS,

- AGAINST -

A RUSSO WRECKING, INC.; ABM INDUSTRIES, INC.; ABM JANITORIAL NORTHEAST, INC.; AMEC CONSTRUCTION MANAGEMENT, INC.; AMEC EARTH & ENVIRONMENTAL, INC.; ANTHONY CORTESE SPECIALIZED HAULING LLC.; ATLANTIC HEYDT CORP.; BECHTEL ASSOCIATES PROFESSIONAL CORPORATION; BECHTEL CONSTRUCTION, INC.; BECHTEL CORPORATION; BECHTEL ENVIRONMENTAL, INC.; BERKEL & COMPANY, CONTRACTORS, INC.; BIG APPLE WRECKING & CONSTRUCTION CORP; BOVIS LEND LEASE LMB, INC.; BREEZE CARTING CORP.; BREEZE NATIONAL INC.; BRER-FOUR TRANSPORTATION CORP.; BURO HAPPOLD CONSULTING ENGINEERS, P.C.; C.B. CONTRACTING CORP; CANRON CONSTRUCTION CORP.; CORD CONTRACTING CO., INC.; DAKOTA DEMO-TECH ; DIAMOND POINT EXCAVATING CORP ; DIEGO CONSTRUCTION, INC.; DIVERSIFIED CARTING, INC.; DMT ENTERPRISE, INC. D'ONOFRIO GENERAL CONTRACTORS CORP.; EAGLE LEASING & INDUSTRIAL SUPPLY, INC.; EAGLE ONE ROOFING CONTRACTORS INC; EJ DAVIES, INC.; EN-TECH CORP.; EVERGREEN RECYCLING OF CORONA(EROC); EWELL W. FINLEY, P.C.; EXECUTIVE MEDICAL SERVICES, P.C.; FLEET TRUCKING, INC.; FRANCIS A. LEE EXTERIOR RESTORATION, INC.; FTI TRUCKING, INC.; GILSANZ, MURRAY, & STEFICEK, LLP; GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC.; HALLEN WELDING SERVICE, INC.; H.P. ENVIRONMENTAL; KOCH SKANSKA INC; LAQUILA CONSTRUCTION INC.; LASTRADA GENERAL CONTRACTING CORP.; LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS P.C.; LIBERTY MUTUAL GROUP; LOCKWOOD, KESSLER & BARTLETT, INC.; LUCIUS PITKIN, INC.; LZA TECH-DIV OF THORTON TOMASETTI; MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING, INC.; HUDSON MERIDIAN CONSTRUCTION GROUP, LLC F/K/A MERIDIAN CONSTRUCTION CORP.; MORETRENCH AMERICAN CORP.; MRA ENGINEERING, PC; MUESER RUTLEDGE CONSULTING ENGINEERS, INC; NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP.; NICHOLSON CONSTRUCTION COMPANY; PETER SCALAMANDRE & SONS, INC.; PINNACLE ENVIRONMENTAL CORP.; PLAZA CONSTRUCTION CORP.; PORT AUTHORITY OF NEW YORK AND NEW JERSEY; PRO SAFETY SERVICES LLC.; PT & L CONTRACTING CORP.; ROBER SILMAN ASSOCIATES; ROBERT L. GEROSA, INC.; RODAR ENTERPRISES, INC.; ROYAL GM, INC; SAB TRUCKING INC.; SAFEWAY ENVIRONMENTAL CORP.; SEASONS INDUSTRIAL CONTRA CTING; SEMCOR EQUIPMENT & MANUFACTURING CORP.; SILVERITE CONTRACTING CORPORATION; SIMPSON GUMPERTZ & HEGER INC.; SKIDMORE, OWING & MERRILL LLP; SURVIAIR; TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; THORTON-TOMASETTI GROUP, INC.; TORRETTA TRUCKING, INC.; TOTAL SAFETY CONSULTING, L.L.C.; TUCCI EQUIPMENT RENTAL CORP.; TULLY CONSTRUCTION CO., INC.; TURNER CONSTRUCTION COMPANY; ULTIMATE DEMOLITION/CS HAULING (JOINT VENTURE); VOLLMER ASSOCIATES LLP.; WEEKS MARINE, INC.; WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.; WHITNEY CONTRACTING INC.; WOLKOW-BRAKER ROOFING CORP.; WORLD TRADE CENTER PROPERTIES LLC.; WSP CANTOR SEINUK; YANNUZZI & SONS, INC; YONKERS CONTRACTING COMPANY, INC.; YORK HUNTER CONSTRUCTION, LLC; ZIEGENFUSS DRILLING, INC.,

DEFENDANTS.

X



Defendants' Addresses:

A RUSSO WRECKING C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	EAGLE ONE ROOFING CONTRACTORS INC., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	MRA ENGINEERING P.C., 600 Hempstead Turnpike West Hempstead, NY 11552- 1036	TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN C/O Cozen O'Connor 1 Newark Center, Suite 1900 Newark, NJ 07102
ABM INDUSTRIES, INC. C/O JEFFERY SAMEL & PARTNERS 150 BROADWAY 20 <sup>TH</sup> FLOOR NEW YORK, NEW YORK 10038	EJ DAVIES, INC., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	MUESER RUTLEDGE CONSULTING ENGINEERS C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	TISHMAN CONSTRUCTION CORPORATION OF NEW YORK C/O Cozen O'Connor 1 Newark Center, Suite 1900 Newark, NJ 07102
ABM JANITORIAL NORTHEAST, INC. C/O JEFFERY SAMEL & PARTNERS 150 BROADWAY 20 <sup>TH</sup> FLOOR NEW YORK, NEW YORK 10038	EN-TECH CORP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	NACIREMA INDUSTRIES INCORPORATED 211 West 5 <sup>th</sup> Street Bayonne, NJ 07002	TISHMAN INTERIORS CORPORATION C/O Daniel R. Tishman 666 5th Avenue New York, NY 10103
AMEC CONSTRUCTION MANAGEMENT, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	EVERGREEN RECYCLING OF CORONA(EROC) C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	NEW YORK CRANE & EQUIPMENT CORP. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	TISHMAN SPEYER PROPERTIES C/O Daniel R. Tishman 666 5th Avenue New York, NY 10103
AMEC EARTH & ENVIRONMENTAL, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	EWELL W. FINLEY, P.C., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	NICHOLSON CONSTRUCTION COMPANY C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	THORTON-TOMASETTI GROUP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102
ANTHONY CORTESE SPECIALIZED HAULING LLC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	EXECUTIVE MEDICAL SERVICES, P.C., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	PETER SCALAMANDRE & SONS, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	TORRETTA TRUCKING, INC 120 MOUNTAINVIEW AVENUE STATEN ISLAND, NY 10314
ATLANTIC HEYDT CORP C/O FRENCH & RAFTER, LLP 29 BROADWAY 27 <sup>TH</sup> FLOOR NEW YORK, NY 10006	FLEET TRUCKING, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	PINNACLE ENVIRONMENTAL CORP C/O Paul O'Brien 64-54 Maurice Avenue Maspeth, NY 11378	TOTAL SAFETY CONSULTING, LLC C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102
BECHTEL ASSOCIATES PROFESSIONAL CORPORATION C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	FRANCIS A. LEE COMPANY, A CORPORATION 35 Bethpage Road Hicksville, NY 11801	PLAZA CONSTRUCTION CORP. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	TUCCI EQUIPMENT RENTAL CORP Daneen Gazzola 3495 Rombouts Avenue Bronx, NY 10475
BECHTEL CONSTRUCTION, INC., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	FTI TRUCKING C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	PORT AUTHORITY OF NEW YORK AND NEW JERSEY 225 Park Avenue South New York, NY 10003	TULLY CONSTRUCTION CO., INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102
BECHTEL CORPORATION C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	GILSANZ MURRAY STEFICEK, LLP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	PRO SAFETY SERVICES, LLC Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	TURNER CONSTRUCTION COMPANY C/O London Fischer, LLP 59 Maiden Lane New York, NY 10038
BECHTEL ENVIRONMENTAL, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	PT & L CONTRACTING CORP 1 Kalisa Way Ste 301 Paramus, NJ 07652	ULTIMATE DEMOLITIONS/CS HAULING 500 New Street Oceanside, NY 11572
BERKEL & COMPANY, CONTRACTORS, INC., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	HALLEN WELDING SERVICE, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	ROBER SILMAN ASSOCIATES C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	VOLLMER ASSOCIATES LLP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102
BIG APPLE WRECKING & CONSTRUCTION CORP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	HP ENVIRONMENTAL C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	ROBERT L GEROSA, INC C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	WEEKS MARINE, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102
BOVIS LEND LEASE LMB, INC. C/O Mound Cotton Wollan & Greengrass One Battery Park Plaza New York, NY 10004	KOCH SKANSKA INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	RODAR ENTERPRISES, INC C/O Patton Boggs, LLP	WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor
	LAQUILA CONSTRUCTION INC		



1 2 6 1 9 3 6 4

BREEZE CARTING CORP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	Newark, NJ 07102
BREEZE NATIONAL, INC., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	LASTRADA GENERAL CONTRACTING CORP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	ROYAL GM INC., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	WHITNEY CONTRACTING INC. C/O Joanne Pisano, P.C. 1250 Central Park Avenue Yonkers, NY 10704
BRER-FOUR TRANSPORTATION CORP. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	SAB TRUCKING INC. C/O SAVERIO ANASTASIO 7 Pironi Court Woodbury, NY 11797	WOLKOW-BRAKER ROOFING CORP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102
BURO HAPOLD CONSULTING ENGINEERS, P.C., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	LIBERTY MUTUAL GROUP C/O CT CORPORATION SYSTEM 111 Eighth Avenue New York, NY 10011	SAFEWAY ENVIRONMENTAL CORP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	WORLD TRADE CENTER PROPERTIES LLC C/O Edward Tanenhouse, Esq. 7 World Trade Center 38th Floor New York, NY 10048
C.B. CONTRACTING CORP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	LOCKWOOD KESSLER & BARTLETT, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	SEASONS INDUSTRIAL CONTRACTING, 266 GREEN VALLEY RD STATEN ISLAND, NY 10312	WSP CANTOR SEINUK GROUP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102
CANRON CONSTRUCTION CORP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	LUCIUS PITKIN, INC C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	SEMCOR EQUIPMENT & MANUFACTURING CORP. 18 Madison Street Keyport, NJ 07735	YANNUZZI & SONS INC 56 Oakwood Avenue Orange, NJ 07050
CORD CONTRACTING CO., INC C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	LZA TECH-DIV OF THORTON TOMASETTI C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	SILVERITE CONTRACTING CORPORATION C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	YONKERS CONTRACTING COMPANY, INC., C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102
D'ONOFRIO GENERAL CONTRACTORS CORP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	MANAFORT BROTHERS, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	SIMPSON GUMPERTZ & HEGER INC C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	YORK HUNTER CONSTRUCTION, LLC 107 Old Goshen Road South Seaville, NJ 08246
DAKOTA DEMO-TECH 140 Old Northport Road Kings Park, NY 11754	MAZZOCCHI WRECKING, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	SKIDMORE OWINGS & MERRILL LLP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	ZIGENFUSS DRILLING, INC., C/O CT CORPORATION SYSTEM 111 Eighth Avenue New York, NY 10011
DIAMOND POINT EXCAVATING CORP C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	HUDSON MERIDIAN CONSTRUCTION GROUP, LLC F/K/A MERIDIAN CONSTRUCTION CORP. 40 Rector Street 18 <sup>th</sup> Floor New York, NY 10006	SURVIAIR 3001 S SUSAN ST SANTA ANA, CA 92704	
DIEGO CONSTRUCTION, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102	MORETRENCH AMERICAN CORPORATION C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102		
DIVERSIFIED CARTING, INC. C/O Patton Boggs, LLP 1 Riverfront Plaza, 6 <sup>th</sup> Floor Newark, NJ 07102			
DMT ENTERPRISE, INC. 255 Lake Avenue Yonkers, NY 10701			
EAGLE LEASING & INDUSTRIAL SUPPLY 1726 FLATBUSH AVENUE BROOKLYN, NY 11210			



# Judge Hellerstein

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

KEVIN DELANO AND ROSEANN DELANO

Plaintiffs,

- against -

A RUSSO WRECKING, ET. AL.,

SEE ATTACHED RIDER,

Defendants.

21 MC 100 (AKH)

DOCKET NO.

U.S. CIVIL  
COURT  
CHECK-OFF ("SHORT FORM")  
COMPLAINT  
RELATED TO THE  
MASTER COMPLAINT

PLAINTIFF(S) DEMAND A TRIAL BY  
JURY

U.S. CIVIL  
COURT  
DOCKET NO.  
21 MC 100 (AKH)  
JUL 20 2008  
S.D.C. CIVIL  
COURT  
CHECK-OFF ("SHORT FORM")  
COMPLAINT  
RELATED TO THE  
MASTER COMPLAINT  
PLAINTIFF(S) DEMAND A TRIAL BY  
JURY

By Order of the Honorable Alvin K. Hellerstein, United States District Judge, dated June 22, 2006, ("the Order"), Amended Master Complaints for all Plaintiffs were filed on August 18, 2006.

## NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaint are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an '☒' if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiffs, KEVIN DELANO AND ROSEANN DELANO, by his/her/their attorneys WORBY GRONER EDELMAN & NAPOLI BERN, LLP, complaining of Defendant(s), respectfully allege:

### I. PARTIES

#### A. PLAINTIFF(S)

1.  Plaintiff, KEVIN DELANO (hereinafter the "Injured Plaintiff"), is an individual and a citizen of Pennsylvania residing at 128 Colleen Drive, Blakeslee, PA 18610-.  
(OR)
2.  Alternatively, \_\_\_\_\_ is the \_\_\_\_\_ of Decedent \_\_\_\_\_, and brings this claim in his (her) capacity as \_\_\_\_\_ of the Estate of \_\_\_\_\_.

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*



3.  Plaintiff, Roseann Delano (hereinafter the "Derivative Plaintiff"), is a citizen of Pennsylvania residing at 128 Colleen Drive, Blakeslee, PA 18610-, and has the following relationship to the Injured Plaintiff:

- SPOUSE at all relevant times herein, is and has been lawfully married to Plaintiff KEVIN DELANO, and brings this derivative action for her (his) loss due to the injuries sustained by her husband (his wife), Plaintiff KEVIN DELANO.
- Parent     Child     Other: \_\_\_\_\_

4. In the period from 9/11/2001 to 9/25/2001 the Injured Plaintiff worked for Fire Department New York (FDNY) as a Fireman at:

*Please be as specific as possible when filling in the following dates and locations*

The World Trade Center Site

Location(s) (i.e., building, quadrant, etc.) \_\_\_\_\_

From on or about 9/11/2001 until 9/25/2001;  
Approximately 8 hours per day; for  
Approximately 5 days total.

The New York City Medical Examiner's Office

From on or about \_\_\_\_\_ until \_\_\_\_\_,  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total.

The Fresh Kills Landfill

From on or about \_\_\_\_\_ until \_\_\_\_\_;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total.

The Barge

From on or about \_\_\_\_\_ until \_\_\_\_\_;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total.

Other:\* For injured plaintiffs who worked at Non-WTC Site building or location. The injured plaintiff worked at the address/location, for the dates alleged, for the hours per day, for the total days, and for the employer, as specified below:

From on or about \_\_\_\_\_ until \_\_\_\_\_;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total;  
Name and Address of Non-WTC Site  
Building/Worksite: \_\_\_\_\_

\*Continue this information on a separate sheet of paper if necessary. If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.

5. Injured Plaintiff

- Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;
- Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;
- Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;
- Other: Not yet determined. \_\_\_\_\_

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*



6. Injured Plaintiff

- Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*



**B. DEFENDANT(S)**

The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

 THE CITY OF NEW YORK

- A Notice of Claim was timely filed and served on \_\_\_\_\_ and
- pursuant to General Municipal Law §50-h the CITY held a hearing on \_\_\_\_\_ (OR)
  - The City has yet to hold a hearing as required by General Municipal Law §50-h
  - More than thirty days have passed and the City has not adjusted the claim (OR)

- An Order to Show Cause application to deem Plaintiff's (Plaintiffs') Notice of Claim timely filed, or in the alternative to grant Plaintiff(s) leave to file a late Notice of Claim *Nunc Pro Tunc* (for leave to file a late Notice of Claim *Nunc Pro Tunc*) has been filed and a determination

- is pending
- Granting petition was made on \_\_\_\_\_
- Denying petition was made on \_\_\_\_\_

 PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"]

- A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on 8/26/05
- More than sixty days have elapsed since the Notice of Claim was filed, (and)
  - the PORT AUTHORITY has adjusted this claim
  - the PORT AUTHORITY has not adjusted this claim.

- 1 WORLD TRADE CENTER, LLC
- 1 WTC HOLDINGS, LLC
- 2 WORLD TRADE CENTER, LLC
- 2 WTC HOLDINGS, LLC
- 4 WORLD TRADE CENTER, LLC
- 4 WTC HOLDINGS, LLC
- 5 WORLD TRADE CENTER, LLC
- 5 WTC HOLDINGS, LLC
- 7 WORLD TRADE COMPANY, L.P.

- A RUSSO WRECKING
- ABM INDUSTRIES, INC.
- ABM JANITORIAL NORTHEAST, INC.
- AMEC CONSTRUCTION MANAGEMENT, INC.
- AMEC EARTH & ENVIRONMENTAL, INC.
- ANTHONY CORTESE SPECIALIZED HAULING, LLC, INC.
- ATLANTIC HEYDT CORP
- BECHTEL ASSOCIATES PROFESSIONAL CORPORATION
- BECHTEL CONSTRUCTION, INC.
- BECHTEL CORPORATION
- BECHTEL ENVIRONMENTAL, INC.
- BERKEL & COMPANY, CONTRACTORS, INC.
- BIG APPLE WRECKING & CONSTRUCTION CORP
- BOVIS LEND LEASE, INC.
- BOVIS LEND LEASE LMB, INC.
- BREEZE CARTING CORP
- BREEZE NATIONAL, INC.
- BRER-FOUR TRANSPORTATION CORP.
- BURO HAPPOLD CONSULTING ENGINEERS, P.C.
- C.B. CONTRACTING CORP
- CANRON CONSTRUCTION CORP
- CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- CORD CONTRACTING CO., INC
- CRAIG TEST BORING COMPANY INC.
- DAKOTA DEMO-TECH
- DIAMOND POINT EXCAVATING CORP
- DIEGO CONSTRUCTION, INC.
- DIVERSIFIED CARTING, INC.
- DMT ENTERPRISE, INC.
- D'ONOFRIO GENERAL CONTRACTORS CORP
- EAGLE LEASING & INDUSTRIAL SUPPLY
- EAGLE ONE ROOFING CONTRACTORS INC.
- EAGLE SCAFFOLDING CO, INC.
- EJ DAVIES, INC.
- EN-TECH CORP
- ET ENVIRONMENTAL
- EVANS ENVIRONMENTAL

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*



EVERGREEN RECYCLING OF CORONA  
 EWELL W. FINLEY, P.C.  
 EXECUTIVE MEDICAL SERVICES, P.C.  
 F&G MECHANICAL, INC.  
 FLEET TRUCKING, INC.  
 FRANCIS A. LEE COMPANY, A CORPORATION  
 FTI TRUCKING  
 GILSANZ MURRAY STEFICEK, LLP  
 GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC  
 HALLEN WELDING SERVICE, INC.  
 H.P. ENVIRONMENTAL  
 HUDSON MERIDIAN CONSTRUCTION GROUP, LLC F/K/A MERIDIAN CONSTRUCTION CORP.  
 KOCH SKANSKA INC.  
 LAQUILA CONSTRUCTION INC  
 LASTRADA GENERAL CONTRACTING CORP  
 LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C.  
 LIBERTY MUTUAL GROUP  
 LOCKWOOD KESSLER & BARTLETT, INC.  
 LUCIUS PITKIN, INC  
 LZA TECH-DIV OF THORTON TOMASETTI  
 MANAFORT BROTHERS, INC.  
 MAZZOCCHI WRECKING, INC.  
 MORETRENCH AMERICAN CORP.  
 MRA ENGINEERING P.C.  
 MUESER RUTLEDGE CONSULTING ENGINEERS  
 NACIREMA INDUSTRIES INCORPORATED  
 NEW YORK CRANE & EQUIPMENT CORP.  
 NICHOLSON CONSTRUCTION COMPANY  
 PETER SCALAMANDRE & SONS, INC.  
 PHILLIPS AND JORDAN, INC.  
 PINNACLE ENVIRONMENTAL CORP  
 PLAZA CONSTRUCTION CORP.  
 PRO SAFETY SERVICES, LLC  
 PT & L CONTRACTING CORP  
 REGIONAL SCAFFOLD & HOISTING CO, INC.  
 ROBER SILMAN ASSOCIATES  
 ROBERT L GEROSA, INC  
 RODAR ENTERPRISES, INC.  
 ROYAL GM INC.  
 SAB TRUCKING INC.  
 SAFEWAY ENVIRONMENTAL CORP  
 SEASONS INDUSTRIAL CONTRACTING

SEMCOR EQUIPMENT & MANUFACTURING CORP.  
 SILVERITE CONTRACTING CORPORATION  
 SILVERSTEIN PROPERTIES  
 SILVERSTEIN PROPERTIES, INC.  
 SILVERSTEIN WTC FACILITY MANAGER, LLC  
 SILVERSTEIN WTC, LLC  
 SILVERSTEIN WTC MANAGEMENT CO., LLC  
 SILVERSTEIN WTC PROPERTIES, LLC  
 SILVERSTEIN DEVELOPMENT CORP.  
 SILVERSTEIN WTC PROPERTIES LLC  
 SIMPSON GUMPERTZ & HEGER INC  
 SKIDMORE OWINGS & MERRILL LLP  
 SURVIAIR  
 TAYLOR RECYCLING FACILITY LLC  
 TISHMAN INTERIORS CORPORATION,  
 TISHMAN SPEYER PROPERTIES,  
 TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN  
 TISHMAN CONSTRUCTION CORPORATION OF NEW YORK  
 THORNTON-TOMASETTI GROUP, INC.  
 TORRETTA TRUCKING, INC  
 TOTAL SAFETY CONSULTING, L.L.C  
 TUCCI EQUIPMENT RENTAL CORP  
 TULLY CONSTRUCTION CO., INC.  
 TULLY ENVIRONMENTAL INC.  
 TULLY INDUSTRIES, INC.  
 TURNER CONSTRUCTION CO.  
 TURNER CONSTRUCTION COMPANY  
 ULTIMATE DEMOLITIONS/CS HAULING  
 VERIZON NEW YORK INC,  
 VOLLMER ASSOCIATES LLP  
 W HARRIS & SONS INC  
 WEEKS MARINE, INC.  
 WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.  
 WHITNEY CONTRACTING INC.  
 WOLKOW-BRAKER ROOFING CORP  
 WORLD TRADE CENTER PROPERTIES, LLC  
 WSP CANTOR SEINUK GROUP  
 YANNUZZI & SONS INC  
 YONKERS CONTRACTING COMPANY, INC.  
 YORK HUNTER CONSTRUCTION, LLC  
 ZIEGENFUSS DRILLING, INC.  
 OTHER: \_\_\_\_\_

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*



Non-WTC Site Building Owner

Name: \_\_\_\_\_

Business/Service Address: \_\_\_\_\_

Building/Worksite Address: \_\_\_\_\_

Non-WTC Site Lessee

Name: \_\_\_\_\_

Business/Service Address: \_\_\_\_\_

Building/Worksite Address: \_\_\_\_\_

Non-WTC Site Building Managing Agent

Name: \_\_\_\_\_

Business/Service Address: \_\_\_\_\_

Building/Worksite Address: \_\_\_\_\_

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*



## II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

- Founded upon Federal Question Jurisdiction; specifically;  Air Transport Safety & System Stabilization Act of 2001, (or);  Federal Officers Jurisdiction, (or);  Other (specify): \_\_\_\_\_;  Contested, but the Court has already determined that it has removal jurisdiction over this action, pursuant to 28 U.S.C. § 1441.

## III CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	<input checked="" type="checkbox"/>	Common Law Negligence, including allegations of Fraud and Misrepresentation
<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)		<input checked="" type="checkbox"/> Air Quality; <input checked="" type="checkbox"/> Effectiveness of Mask Provided; <input type="checkbox"/> Effectiveness of Other Safety Equipment Provided
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-a		(specify: _____); <input checked="" type="checkbox"/> Other(specify): <u>Not yet determined.</u>
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-e	<input type="checkbox"/>	Wrongful Death
		<input checked="" type="checkbox"/>	Loss of Services/Loss of Consortium for Derivative Plaintiff
		<input type="checkbox"/>	Other: _____

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*



**IV CAUSATION, INJURY AND DAMAGE**

1. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

<input checked="" type="checkbox"/>	Cancer Injury: <u>and Leukemia</u> Date of onset: <u>4/27/2005</u> Date physician first connected this injury to WTC work: <u>5/2/2005</u>	<input type="checkbox"/>	Cardiovascular Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____
<input checked="" type="checkbox"/>	Respiratory Injury: <u>Asthma; Respiratory Problems; Sinusitis Normal or No CT Scan/Endoscope</u> Date of onset: <u>4/27/2005</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>	<input checked="" type="checkbox"/>	Fear of Cancer Date of onset: <u>5/2/2005</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>
<input checked="" type="checkbox"/>	Digestive Injury: <u>GERD</u> Date of onset: <u>4/27/2005</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>	<input checked="" type="checkbox"/>	Other Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____

*NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.*

2. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

- 
- Pain and suffering
  - Loss of the enjoyment of life
  - Loss of earnings and/or impairment of earning capacity
  - Loss of retirement benefits/diminution of retirement benefits
  - Expenses for medical care, treatment, and rehabilitation
  - Other:
    - Mental anguish
    - Disability
    - Medical monitoring
    - Other: Not yet determined.

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*



---

3.  As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

**WHEREFORE**, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

**Plaintiff(s) demands that all issues of fact in this case be tried before a properly empanelled jury.**

Dated: New York, New York  
July 29, 2008

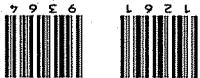
Yours, etc.,

**Worby, Groner Edelman & Napoli Bern, LLP**  
Attorneys for Plaintiff(s), Kevin Delano and Roseann Delano

By: 

Christopher R. LoPalo (CL 6466)  
115 Broadway  
12<sup>th</sup> Floor  
New York, New York 10006  
Phone: (212) 267-3700





CHRISTOPHER R. LOPALO

DATE: July 29, 2008  
New York, New York

file.

The reason this Verification is made by deponent and not by the  
plaintiff(s) is that the plaintiff(s) herein resides(s) in a county other  
than the one in which the plaintiff's attorney maintains their office.  
The source of defendant's information and the grounds of his belief  
are communication, papers, reports, and investigation contained in the  
plaintiff(s) is that the plaintiff(s) herein resides(s) in a county other  
than the one in which the plaintiff's attorney maintains their office.

The matter is alleged herein to be true.  
That he has read the foregoing SUMMARY AND VERIFIED COMPLAINT and knows  
the contents thereof, and upon information and belief, deponent believes  
that the attorney for the plaintiff(s) in the above-entitled action.

Perjury that:  
in the Courts of the State of New York, affirms under the penalties of  
CHRISTOPHER R. Lopalos, an attorney at law, duly admitted to practice

ATTORNEY VERIFICATION

Docket No:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

KEVIN DELANO (AND WIFE, ROSEANN DELANO),

Plaintiff(s)  
- against -

A RUSSO WRECKING, ET. AL.,

Defendant(s).

---

SUMMONS AND VERIFIED COMPLAINT

---

WORBY GRONER EDELMAN & NAPOLI BERN, LLP

Attorneys for: Plaintiff(s)  
Office and Post Office Address, Telephone  
115 Broadway - 12th Floor  
New York, New York 10006  
(212) 267-3700

---

To  
Attorney(s) for

---

Service of a copy of the within  
is hereby admitted.

Dated,

Attorney(s) for

---

PLEASE TAKE NOTICE:

- NOTICE OF ENTRY**  
that the within is a (certified) true copy of an  
duly entered in the office of the clerk of the within named court on 20
- NOTICE OF SETTLEMENT**  
that an order \_\_\_\_\_ of which the within is a true copy  
will be presented for settlement to the HON. \_\_\_\_\_ one of the  
judges of the \_\_\_\_\_  
within named Court, at  
on 20 \_\_\_\_\_ at \_\_\_\_\_ M.  
Dated,
- Yours, etc.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP
- 

